

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-17 are pending in the application, Claims 1-6 and 11-17 having previously been withdrawn from consideration. Claims 7, 9 and 10 are amended by the present amendment. Support for the amended claims can be found in the original specification, claims and drawings.¹ No new matter is presented.

In the outstanding Official Action, Claims 7-10 were rejected under 35 U.S.C. §103(a) as unpatentable over O'Neal (U.S. Patent No. 6,711,154) in view of Calvert (U.S. Patent No. 6,526,275); and Claim 10 was rejected under 35 U.S.C. §103(a) as unpatentable over Akester et al. (WO97/37499, herein "Akester") in view of Calvert.

In response to the rejection of Claims 7-10 under 35 U.S.C. §103, Applicant respectfully submits that amended independent Claims 7, 9 and 10 recite features clearly not taught or rendered obvious by the applied references.

Briefly summarizing, amended independent Claim 7 relates to a method for using an interface of an information-processing apparatus to control an operation to input criterion for selecting whether to receive information from a first transmission destination or a second transmission destination, and further configured to control an operation to input ***first fare commodity information indicating a degree of favoritism for commodities of first category and second favored-commodity information indicating a degree of favoritism for commodities of a second category***. A transmission controller then controls transmission of information to the first transmission destination and the second transmission destination based on the stored criteria information.

¹ e.g., specification, Fig. 8, and corresponding description.

Specifically, amended independent Claim 7 recites, *inter alia*, an information-processing apparatus, wherein

...the interface further configured to control an operation to input ***first favorite-commodity information indicating a degree of favoritism for commodities of a first category and second favorite-commodity information indicating a degree of favoritism for commodities of a second category***; and

wherein said criteria includes information corresponding to a geographic location of at least one of the first and second transmission destinations and said information-presenting apparatus is configured to store and ***transmit commodity information corresponding to said first favorite-commodity information, said second favorite-commodity information***, and the geographic location of at least one of said first and second transmission destinations based on a determined geographic location of the at least one of said first and second transmission destinations.

Independent Claims 9 and 10, while directed to alternative statutory embodiments, are amended to recite substantially similar features. Therefore, the arguments presented below are applicable to each of independent Claims 7, 9 and 10.

As depicted at Fig. 8, for example, a user is able to insert various preference and favorite commodity information, and the information-presenting apparatus determines the commodity information to be sent to a transmission destination based on the favorite commodity information.

The outstanding Official Action admits that O'Neal fails to teach that "said criteria includes information corresponding to a geographic location of at least one of the first and second transmission destinations and said information-presenting apparatus is configured to store and transmit commodity information corresponding to the geographic location of at least one of said first and second transmission destinations based on a determined geographic location of the at least one of said first and second transmission destinations."² Thus, since O'Neal fails to teach or suggest storing or transmitting commodity information, it follows

² Outstanding Official Action, p. 3.

that O'Neal also fails to teach or suggest inputting favorite commodity information and transmitting information based on the input of favored-commodity information, as recited in amended independent Claim 7.

In an attempt to address the aforementioned deficiencies of O'Neal the outstanding Official Action relies on Calvert and states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to arrive at Applicant's claims.

However, Applicant respectfully submits that Calvert also fails to teach or suggest an interface configured to control an operation input first favored commodity information indicating a degree of favoritism for commodities of a first category and second favorite-commodity information indicating a degree of favoritism for commodities of a second category, and transmitting commodity information corresponding to the first favored-commodity information, the second favored-commodity information and the geographic location of at least one of the first and second transmission destinations, as recited in amended independent Claim 7.

Calvert describes a method and system for sending commodity information to a communication device based on received geographic location of the communication device.³ In addressing the features of Applicant's claims, the Official Action relies on col. 3, lines 18-34, col. 7, lines 53-66, col. 8, lines 1-14 and col. 9, lines 13-16 of Calvert. This cited portion of Calvert describes that based on a request from the communications device, the system determines an approximate location of the communications device and whether request of product or services are available to a user within the general vicinity of the communications device. If such products or services are available, this information may be transmitted from the system to the communications device.

³ Calvert, Abstract.

In contrast, amended independent Claim 7 relates to an information-processing apparatus that includes an interface configured to control operation to *input first favorite-commodity information indicating a degree of favoritism for commodities of a first category and second favorite-commodity information indicating a degree of favoritism for commodities of a second category*, then, a transmission controller stores and transmits commodity information corresponding to the *first favorite-commodity information and second favorite-commodity information*...

In contrast, as depicted at Fig. 3, Calvert describes that a context engine server (109) must first receive a request from a particular product from the communications device before using the location of this communications device to determine information that may be sent to the communications device. Thus, in Calvert no favorite-commodity information indicating a degree of favoritism for commodities is stored. Instead, the system of Calvert simply transmits information in response to a request received from a mobile device and fails to teach or suggest that any favorite-commodity information is stored or that data is sent to the mobile device based on this favorite-commodity information, whatsoever.

Therefore, neither O'Neal, nor Calvert teach or suggest the above differentiated features recited in amended independent Claim 7.

Accordingly, Applicant respectfully requests that the rejection of Claim 7 under 35 U.S.C. §103 be withdrawn. For substantially similar reasons Applicant submits that independent Claims 9 and 10 also patentably define over O'Neal and/or Calvert.

Claim 10 was rejected under 35 U.S.C. §103 as unpatentable over Akester in view of Calvert.

As admitted in the outstanding Official Action, Akester fails to teach or suggest that "said criteria includes information corresponding to a geographic location of at least one of the first and second transmission destinations and said information-presenting apparatus as

configured to store and transmit commodity information corresponding to the geographic location of at least one of said first and second transmission destinations based on a determined geographic location of at least one of said first and second transmission destinations.”⁴ Thus, it follows that Akester also fails to teach or suggest an input control step which controls an operation input *first favorite-commodity information indicating a degree of favoritism for a commodities of a first category and second favorite-commodity information indicating a degree of favoritism for a commodities of a second category* and the step of controlling transmission of information including storing and transmitting commodity information corresponding to said first favorite-commodity information and said second favorite-commodity information, as recited in amended Claim 10.

Further, in addressing the deficiencies of Akester, the outstanding Official Action again relies on Calvert. As discussed above, Calvert fails to teach or suggest the above differentiated feature recited in amended Claim 10.

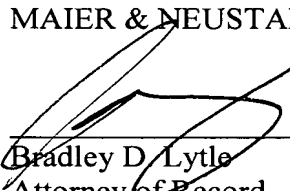
Accordingly, Applicant respectfully requests the rejection of Claim 10 under 35 U.S.C. §103 be withdrawn.

⁴ Outstanding Official Action, p. 7.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 7-10 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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